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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/003,589      | 11/26/2001  | Timothy R. Williams  | 08152-00134         | 4749             |

27144 7590 07/06/2004

FOSTER, SWIFT, COLLINS & SMITH, P.C.  
313 SOUTH WASHINGTON SQUARE  
LANSING, MI 48933

EXAMINER

FOX, CHARLES A

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3652

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                      |  |
|------------------------------|-------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/003,589 | Applicant(s)<br>WILLIAMS, TIMOTHY R. |  |
|                              | Examiner<br>Charles A. Fox    | Art Unit<br>3652                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This application has been reassigned to examiner Charles A. Fox.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the large integral storage compartment in the front of the vehicle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,7,15,16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith. In regards to claims 1,4 and 19 Smith US 3,044,645 discloses a vehicle adapted for ground travel having a storage compartment to enclose an auxiliary load, comprising:

- a chassis including a frame on a plurality of wheels for highway travel;
- a drop deck (52) having a first and a second edge;
- said second edge pivotally mounted to said chassis;
- wherein the drop deck is movable from a closed position to an open position wherein said first edge engages the ground to form a ramp for loading and unloading the compartment;
- a body mounted to said chassis including a plurality of wall and a ceiling;
- at least one hatch (69) hingedly attached to said body and providing an access opening to said compartment;
- wherein said deck, hatch, walls and ceiling define the storage compartment;
- said drop deck in its closed position forms a floor for supporting said load in storage compartment;
- means (66) to raise the drop deck to the closed position;
- means (61) to secure the drop deck in the closed position.

In regards to claim 7 Smith also discloses that the hatch is secured in the closed position with a catch that is engaged with a latch arm (61) for supporting the deck and any load upon said deck.

In regards to claims 15 and 16 Smith further discloses that said vehicle comprises additional interior spaces, and said compartment is located at the rear of the transport vehicle and the hatch is located in a rear wall of said vehicle.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith. Smith teaches using a powered screw (64) for raising and lowering the ramp. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device of Smith with a hydraulic actuator in place of the electrically driven screw as the applicant has cited the equivalency of an electrical actuator and other known mechanical mechanisms.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1 above, and further in view of Hackett. Smith teaches the limitations of claim 1 as above, he does not teach the drop deck as being raised and lowered by 4 hydraulic cylinders. Hackett US 6,071,064 teaches a drop deck (9) that is raised and lowered by four hydraulic cylinders (12). It would have been obvious to one of ordinary

skill in the art, at the time of invention to provide the device of Smith with a drop deck as taught by Hackett in order to load the deck at ground level without having to worry about the load rolling off of the deck during raising and lowering of the deck.

Claims 2,3,12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1 above, and further in view of the admitted prior art. In regards to claims 2,3 and 12-14 Smith teaches the limitations of claim 1 as above, he does not teach using fire walls and gas shocks for raising the hatch. The applicant teaches the following as being known in the art:

separating a cargo compartment of a vehicle from the passenger area of said vehicle with a fire wall (see page 6 line 15 of the specification);

using gas shocks to assist in raising a hatch (page 7 line 19 in the specification);

a means to prevent the vehicle from moving with the deck lowered;

wherein said means is a deck position sensor connected to an indicator lamp;

said means also comprising a lock on the gear shift of the vehicle that will not release from park if the deck is dropped and will not drop said deck if vehicle is not in park. See page 10 lines 9-13 of the specification.

It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the Smith device with the admitted prior art invention as they are well known in the art for increasing the safety of a device with a drop deck.

In regards to claim 17 the admitted prior art teaches that a rear engine of a large size is well known in the art, as such It would have been obvious to one of ordinary skill in the art, at the time of invention to place the storage compartment for the secondary

vehicle in the front of the primary vehicle to avoid interference with the engine compartment.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1 above, and further in view of Heine. Smith teaches the limitations of claim 1 as above, he does not teach using a winch to load a dolly into the storage compartment. Heine US 5,556,249 teaches a load system for a vehicle comprising:

- a winch (18) mounted in said vehicle;
- a wheeled dolly (20) for holding a load;
- wherein said winch pulls said dolly into said vehicle.

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Smith with a winch and dolly as taught by Heine in order to allow a single operator to load a heavy load into the storage compartment without help.

Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 15 above, and further in view of Renaud. Smith teaches the limitations of claim 15 as above, he does not teach the storage compartment as having an interior space above it. Renaud US 3,961,716 teaches a recreational vehicle with a storage compartment for a smaller vehicle, wherein said vehicle has interior spaces above the storage compartment and access between the storage compartment and the interior spaces via steps (38). It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Smith with the

configuration as taught by Renaud in order to maximize the spaces available within the vehicle for use by the vehicle occupants.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1 above, and further in view of Laursen. Smith teaches the limitations of claim 1 as above, he does not teach a plurality of hatches or reinforcing the storage compartment walls. Laursen US 4,854,631 teaches a recreational vehicle with a storage compartment for a separate vehicle, said compartment having reinforced walls and two hatches on adjacent wall of said compartment for accessing said compartment. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Smith with the wall and hatches as taught by Laursen in order to make the storage compartment more secure as well as easy to access from a plurality of locations.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Rose 1965, Neuman 1974, Hanada et al. 1989, Johnson, Jr. 1990 and Woodward et al. 2004.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



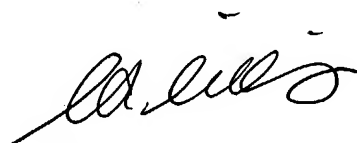
Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/27/04



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